

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 22, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RITA D.,

Plaintiff,

v.

MARTIN O'MALLEY,
COMMISSIONER OF SOCIAL
SECURITY,¹

Defendant.

No. 1:23-CV-03184-ACE

ORDER GRANTING STIPULATED
MOTION FOR REMAND
PURSUANT TO SENTENCE FOUR
OF 42 U.S.C. § 405(g)

ECF No. 5

BEFORE THE COURT is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 5. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney L. Jamala Edwards represents Defendant. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Remand, **ECF No. 5**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative action pursuant to

¹Pursuant to Federal Rule of Civil Procedure 25(d), Martin O'Malley, Commissioner of Social Security, is substituted as the named Defendant.

1 sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council shall
2 instruct the Administrative Law Judge to: (1) offer Plaintiff the opportunity for a
3 new hearing; (2) reevaluate the evidence of record; and (3) issue a new decision.

4 2. **Judgment shall be entered for PLAINTIFF.**

5 3. An application for attorney fees under the Equal Access to Justice
6 Act, 28 U.S.C. § 2412, may be filed by separate motion.

7 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
8 Order, forward copies to counsel, and **CLOSE THE FILE.**

9 DATED January 22, 2024.



A handwritten signature in blue ink, reading "Alexander C. Ekstrom", is written over a horizontal line.

ALEXANDER C. EKSTROM

UNITED STATES MAGISTRATE JUDGE